

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-HC-2052-D

SCOTT BODLEY,

Petitioner,

v.

JUSTIN ANDREWS, Warden, et al.,

Respondents.

**ORDER**

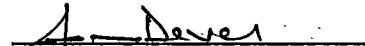
On February 15, 2019, Scott Bodley (“Bodley” or “petitioner”) filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 for emergency injunctive relief and for declaratory judgment [D.E. 1]. On March 6, 2019, Bodley filed an amended petition [D.E. 5]. On March 13, 2019, the court referred the motion to Magistrate Judge Numbers for review under 28 U.S.C. § 2243. On May 2, 2019, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) and recommended that Bodley’s motion be denied and his petition dismissed without prejudice. See [D.E. 7]. Bodley did not respond to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record and adopts the conclusions in the M&R.

In sum, Bodley's motions for injunctive relief and for declaratory judgment [D.E. 1, 5] are DENIED and Bodley's petition is DISMISSED without prejudice. The clerk shall close the case.

SO ORDERED. This 4 day of September 2019.

  
JAMES C. DEVER III  
United States District Judge